

## REMARKS

Claims 1, 2, 4-10, and 12-16 are currently pending. Claims 1, 9, and 15 have been amended. No new matter has been added.

In the Advisory Action mailed October 16, 2007, claims 1, 2, 4-10 and 12-16 were rejected.

## REJECTIONS under 35 U.S.C. § 103

Claims 1, 2, 4, 5, 7-10, 12, 13, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Meyer, U.S. Patent No. 6,826,715 in view of Cleary, U.S. Patent No. 5,504,905.

Meyer is directed to a method of customer service that utilizes a program which captures the computer's hardware and operating system configuration when the program is installed, and also captures the hardware and operating system configuration upon request, and compares the two.

Cleary discusses a system for capturing computer configuration upon a program installation or request. According to Cleary, an information handling network includes a plurality of information processing systems having a predetermined system configuration operating under the control of a corresponding number of operating systems where during an initial microcode load (IML) period prior to loading the operating systems, a change in the system configuration is detected based on the predetermined system configuration. Upon detecting the change, a communication adaptor device is activated for communicating certain configuration information over the network before loading the operating system.

In the present invention, hardware configuration information of each device is acquired at a plurality of predetermined timing sets by a program. As recited in currently amended independent claims 1, 9, and 15, the predetermined timing sets include timing (1) at the time of executing BIOS of the computer, and (2) at the time of execution of the Operating System (after the time of executing the BIOS).

In contrast to the present invention, Meyer simply captures a computer's hardware when the program is installed, which is not "at the time of execution of the Operating System." Moreover, Meyer is silent regarding predetermined timing sets including timing "at the time of executing BIOS of the computer."

Cleary simply detects a change in the system configuration prior to loading of the Operating System. See Cleary, Abstract. If the detection occurs prior to loading of the Operating System, the operating system cannot be in a mode of execution. Therefore, Cleary fails to disclose predetermined timing sets including "at the time of execution of the Operating System."

Regarding the Examiner's comments on page 2 of the Office Action, Applicants respectfully submit that regardless of whether Meyer's "tool" requires "OS to be activated first," Mayers is silent regarding "timing at the time of executing the BIOS."

Therefore, claims 1, 9, and 15 are patentable over the cited combination of references. As the dependent claims depend from respective independent claims, the dependent claims are patentable over the references for at least the reasons presented for the independent claims.

Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Meyer in view of Cleary in further view of Burgess, U.S. Patent No. 5,758,071.

As Burgess fails to cure the deficiencies of the other cited references, claims 6 and 14, via their respective independent claims, are patentable over the references for at least the reasons presented for the independent claims.

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 1, 2, 4-10 and 12-16 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 31, 2007

By: 

Reginald Lucas  
Registration No. 46,883

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501